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PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

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DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :

L. D. O 8/38

An Ordinance to protect the commerce and industries of Ceylon, to declare deferred rebates illegal and to provide for the regulation of shipping freights.

TABLE OF SECTIONS.

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An Ordinance to protect the commerce and industries of Ceylon, to declare deferred rebates illegal and to provide for the regulation of shipping freights.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

- | | |
|--|--|
| Short title and date of operation. | 1 This Ordinance may be cited as the Ceylon Commerce and Industries Protection Ordinance, No. of 1939, and shall come into operation on such date (hereinafter referred to as "the appointed date") as the Governor may appoint by Proclamation published in the <i>Gazette</i> . |
| Establishment of Board. | 2 A Board to be called the Shipping Board (hereinafter referred to as the "Board") is hereby established for the purposes of this Ordinance. |
| Constitution of the Board. | 3 (1) The Board shall consist of the persons for the time being holding the office of—
(a) Minister for Labour, Industry and Commerce,
(b) the Principal Collector of Customs,
(c) the Director of Commerce and Industries, and
(d) any three persons not in the service of Government, appointed by the Governor.

(2) The Minister shall be Chairman of the Board. The Chairman shall, in the event of an equality of votes, have a casting vote in addition to his vote.
(3) The business of the Board shall be transacted in such manner as it deems most convenient. |
| Board may sue and be sued. | 4 The Board shall have a common seal and may sue and be used under the style of the Shipping Board and shall have power to appoint such officers and servants as may be necessary to carry out its functions under the Ordinance. |
| Rebates and discriminations by carriers by water prohibited. | 5 No carrier by water shall, directly or indirectly, in respect to the transportation by water of property from any port in Ceylon to any port outside Ceylon—
(a) pay or allow, or enter into any combination, agreement, or understanding express or implied, to pay or allow a deferred rebate to any shipper ;
(b) retaliate against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronised any other carrier or has filed a complaint charging unfair treatment, or for any other reason ; |

(c) make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered, or unfairly treat or unjustly discriminate against any shipper in the matter of—

- (i.) cargo space accommodations or other facilities due regard being had for the proper loading of the vessel and the available tonnage ;
- (ii.) the loading and landing of freight in proper condition ;
- (iii.) the adjustment and settlement of claims.

6 (1) The Board upon its own initiative may, or upon complaint shall, after due notice to all parties interested, determine—

Determination
by Board as
to violations.

- (a) whether any carrier engaged in transportation by water of property from any port in Ceylon to any port outside Ceylon, has violated any provision of the preceding section ; or
- (b) whether the rates for carriage of goods by sea from any port in Ceylon to any port outside Ceylon charged by any carrier is excessive or unduly high.

(2) Upon an inquiry held by the Board under sub-section (1), all parties interested shall be entitled to appear and be heard either in person or by pleader.

(3) If the Board determines that any such carrier has violated any provision of section 5, the Board shall thereupon certify such fact to the Governor.

(4) If the Board determines that excessive or unduly high rates for carriage of goods by sea from any port in Ceylon to any port outside Ceylon are being charged by any carrier, it shall give the carrier concerned sixty days' time within which to adjust to the satisfaction of the Board such carrier's rates for the carriage of goods by sea between such ports.

(5) If a person required by the Board under subsection (4) to make an adjustment of the rates to the satisfaction of the Board fails or neglects to make such adjustment within the said period of sixty days the Board shall report the fact to the Governor.

(6) Upon the receipt of a certificate under subsection (3), or of a report under subsection (5), it shall be lawful for the Governor, after such notice to such person as the Governor may in the circumstances consider reasonable, to empower, by Order under his hand, the Principal Collector to levy in respect of the ships owned or operated or directly or indirectly controlled by the carrier mentioned in the certificate or report of the Board, as the case may be, an amount equal to twice the amount of such port dues leviable and payable under Schedule C of the Customs Ordinance (Chapter 185), as may be prescribed under this Ordinance.

(Vol. IV.,
p. 491).

(7) For the purpose of recovering the levy payable under subsection (6) the Principal Collector shall have all the powers vested in him by section 26 of the Customs Ordinance (Chapter 185).

(Vol. IV.,
p. 491).

(8) An Order made by the Governor under subsection (6) shall remain in force until revoked by the Governor, upon a certificate from the Board either—

- (i.) that such violation has ceased ; or
- (ii.) that the rates for carriage of goods by sea have been adjusted to the satisfaction of the Board.

(9) The Board may both before and after taking the action prescribed by subsections (3) and (5), without prejudice to its powers under this section, give any carrier or carriers or any union or association of carriers an opportunity of discussing the questions in dispute with a view to arriving at an adjustment satisfactory to the Board.

7 (1) Every carrier of goods by water from any port in Ceylon to any port outside Ceylon shall file with the Director of Commerce and Industries a true and complete memorandum of every agreement relating to or affecting the carriage of goods from any port in Ceylon to any port outside Ceylon and every modification or cancellation thereof, to which it may be a party or conform in whole or in part—

Contracts
between
carriers filed
with Board.

- (a) fixing or regulating transportation rates or fares ;
- (b) giving or receiving special rates, accommodations, or other special privileges or advantages ;
- (c) controlling, regulating, preventing, or destroying competition ;

- (d) pooling or apportioning earnings, losses, or traffic ;
- (e) allotting ports or restricting or otherwise regulating the number and character of sailings between ports in Ceylon and ports outside Ceylon ;
- (f) limiting or regulating in any way the volume or character of freight or passenger traffic to be carried ; or
- (g) in any manner providing for an exclusive, preferential, or co-operative working arrangement.

(2) The term "agreement" in this section includes understandings, conferences, and other arrangements.

(3) Whoever violates any provision of this section shall, upon conviction after summary trial by a Magistrate, be liable to a fine of one thousand rupees and to a further fine of one hundred rupees for each day during which such violation continues after such conviction.

Discriminatory acts prohibited.

8 It shall be unlawful for any carrier by water, either alone or in conjunction with any other person, directly or indirectly—

- (a) to make or give in respect of the carriage of goods from any port in Ceylon to any port outside Ceylon any undue or unreasonable preference or advantage to any particular person, or description of traffic in any respect whatsoever, or to subject any particular person, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever ;
- (b) to allow any person to obtain transportation for property from any port in Ceylon to any port outside Ceylon at less than the regular rates then established and enforced on the line of such carrier, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means ; and
- (c) induce, persuade, or otherwise influence any marine insurance company or underwriter or agent thereof not to give a competing carrier by water as favourable a rate of insurance on vessel or cargo, having due regard to the class of vessel or cargo, as is granted to such carrier.

Discriminatory rates prohibited.

9 (1) No carrier by water shall in respect of the carriage of goods from any port in Ceylon to any port outside Ceylon demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or unjustly prejudicial to exports from Ceylon as compared with competitors from outside Ceylon.

(2) Every such carrier shall establish, observe and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property.

Carriers to establish, observe, and enforce reasonable rates and regulations.

10 (1) Every carrier by water shall in respect of the carriage of goods from any port in Ceylon to any port outside Ceylon establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

(2) Every such carrier shall file with the Director of Commerce and Industries and keep open to public inspection, in the form and manner and within the time prescribed by the Board, the maximum rates, fares, and charges for or in connexion with transportation between points on its own route ; and if a through route has been established, the maximum rates, fares, and charges for or in connexion with transportation between points on its own route and points on the route of any other carrier by water.

(3) No such carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with this section, except with the approval of the Board and after sixty days' public notice in the form and manner prescribed by the Board, stating the increase proposed to be made ; but the Board for good cause shown may waive such notice.

11 If it appears to the Board that a carrier by water has reduced his rates on the carriage of any species of cargo from any port in Ceylon to any port outside Ceylon below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water, it shall by written order served on such carrier or his agent or representative in Ceylon prohibit such carrier from increasing such rates without the written approval of the Board.

Rates reduced not to be increased without approval of Board.

12 (1) Any owner, agent, representative, master or other officer of any vessel destined for any port outside Ceylon who refuses to receive cargo in good condition tendered by any person in Ceylon for such port of destination or for some intermediate port of call, together with the proper freight shall become liable to pay to the Deputy Financial Secretary for the use of the Crown a penalty of five thousand rupees unless such owner, agent, representative, master or other officer establishes to the satisfaction of the Principal Collector that—

Penalties attached to vessel refusing to receive cargo

- (a) such cargo consists of merchandise for which such vessel is not adopted ;
- (b) such vessel is fully laden ;
- (c) all available cargo space in such vessel was booked by shippers from other ports before the arrival of the vessel in Ceylon ; or
- (d) there is some other good and sufficient reason for such refusal.

(2) The Principal Collector shall refuse a certificate of clearance to any vessel destined for any port outside Ceylon the owner, agent, representative, master or other officer of which has refused to receive cargo in good condition tendered by any person in Ceylon for such port of destination or for some intermediate port of call, together with the proper freight until—

- (a) such owner, agent, representative, master or other officer establishes to the satisfaction of the Principal Collector that his refusal is justified on any of the grounds mentioned in paragraphs (a), (b), (c) or (d) of subsection (1) ; or
- (b) such cargo is received by such owner, agent, representative, master or other officer ; or
- (c) the penalty of five thousand rupees is paid into the Treasury.

(3) Where the owner, agent, representative, master or other officer of such vessel is unable to establish to the satisfaction of the Principal Collector any of the grounds mentioned in paragraphs (a), (b), (c) or (d) of subsection (1) before the date on which such vessel is due to leave Ceylon, and if such owner, agent, representative, master or other officer satisfies the Principal Collector that further time is necessary to establish any of the said grounds the Principal Collector may grant a certificate of clearance—

- (a) on the deposit of a sum of five thousand rupees with the Deputy Financial Secretary, or
- (b) on the execution of a bond in favour of the Crown for a sum of five thousand rupees by any person resident in Ceylon and approved by the Principal Collector with two good and sufficient sureties resident in Ceylon.

(4) Where in a case in which a certificate of clearance is issued under subsection (3), the owner, agent, representative, master or other officer fails to establish any of the grounds mentioned in paragraphs (a), (b), (c) or (d) of subsection (1) the Principal Collector shall—

- (a) declare the deposit of five thousand rupees forfeit for the use of the Crown, in a case where a deposit is made under paragraph (a) of subsection (3) ; or
- (b) issue a written notice calling upon the persons bound by the bond to pay the sum of five thousand rupees due thereon before a date specified in such notice.

(5) If the persons noticed under paragraph (b) of subsection (4) fails to pay the sum of five thousand rupees before the date specified in the notice, the said sum of five thousand rupees together with a further sum calculated at the rate of ten rupees for each day during which the said sum of five thousand rupees remains unpaid after the date mentioned in such notice shall be recoverable at law.

(6) Where in a case in which a certificate of clearance is issued under subsection (3) the owner, agent, representative,

master or other officer establishes any of the grounds mentioned in paragraphs (a), (b), (c) or (d) to the satisfaction of the Principal Collector, he shall—

- (a) cause the deposit of five thousand rupees to be refunded to the person who paid it, in a case in which a deposit has been made under paragraph (a) of subsection (3); or
- (b) cause the bond to be discharged in a case where a bond has been given under paragraph (b) of subsection (3).

(7) For the purposes of this section “proper freight” does not include any increase in freight made in contravention of an order made under section 11.

Liability of agent or representative for absent owner.

13 Where a carrier affected by this Ordinance is not in Ceylon the agent or representative in Ceylon of such carrier shall be subject to the obligations, liabilities, penalties and punishments prescribed by this Ordinance as fully as if such agent or representative was the carrier himself.

Principal Collector or other authority not liable in respect of refusal of clearance. (Vol. IV., p. 491.)

14 No civil or criminal proceeding shall be instituted or maintained against the Principal Collector or other authority in respect of a refusal of clearance under this Ordinance, nor shall the fact that a ship is detained under this Ordinance affect the liability of the master, owner, charterer, or agent to pay the dues payable under Schedule C of the Customs Ordinance (Chapter 185) for the period of such detention.

Regulations.

15 (1) The Board may make regulations—

- (a) for regulating the procedure at inquiries made by the Board under section 6; and
- (b) for all matters required in this Ordinance to be prescribed.

(2) No regulation shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

(3) Every regulation, when approved by the State Council and ratified by the Governor, shall, upon publication in the Gazette, be as valid and effectual as if it were herein enacted.

Interpretation.

16 In this Ordinance, unless the context otherwise requires—

“deferred rebate” means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement;

“Minister” means the Minister for Labour, Industry and Commerce;

“Principal Collector” means the person for the time being holding the office of Principal Collector of Customs, and includes any Deputy or Assistant Collector of Customs.

Objects and Reasons.

The object of this Bill is to declare deferred rebates illegal and to provide for the establishment of a Shipping Board which will be responsible for the investigation of cases of alleged violation of the law and for the general regulation of shipping freights.

G. C. S. COREA,
Minister for Labour, Industry and Commerce.

Colombo, August 25, 1939.

DISTRICT AND MINOR COURTS NOTICES.

Village Communities Ordinance.

IT is hereby notified in terms of section 125 of the Village Communities Ordinance, No. 9 of 1924, as amended by Ordinance No. 60 of 1938, that the buildings noted below are the court-houses of the Village Tribunal of Mannar District:—

1. A room in the Fort, Mannar, now used as the Customs Office.
2. A building at Pesalai described as the Grain Stores.
3. The Circuit Bungalow at Vidathalthivu.
4. The Circuit Bungalow at Uyilankulam.
5. The Village Committee building at Murunkan.
6. The Village Committee building at Periyapillaich-ehipotkerni.
7. The Village Committee building at Iaranai Iluppai-kulam.

The Kacheheri, S. F. AMERASINGHE,
Mannar, August 28, 1939. Assistant Government Agent.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,405. In the matter of the insolvency of Bulathsinghalage Peter Perera of 49/1, 6th lane, Wahl street, Kotahena.

WHEREAS the above-named B. P. Perera has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by W. Addy Soysa of Auburn Side, Dehiwala, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said B. P. Perera insolvent accordingly; and that two public sittings of the court, to wit, on September 19, 1939, and on October 31, 1939, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, C. EMMANUEL,
August 29, 1939. Secretary.

In the District Court of Colombo.

No. 4,506. In the matter of the insolvency of Leslie Allan Ferdinands of 62, Jawatta road, Colombo.

WHEREAS the above-named L. A. Ferdinands has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. Gandavanam, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said L. A. Ferdinands insolvent accordingly; and that two public sittings of the court, to wit, on September 19, 1939, and on October 31, 1939, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, C. EMMANUEL,
August 29, 1939. Secretary.

In the District Court of Kandy.

No. I. 31. In the matter of the insolvency of Manuel Pillai Bastian Pillai of Frotoft Group, Ramboda, presently of Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 8, 1939, for the examination of the insolvent.

By order of court, R. B. RATNAIKE,
August 29, 1939. Secretary.

In the District Court of Kandy.

No. I. 32. In the matter of the insolvency of Gnana Maria Dawson Gnanapragasam of Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 1, 1939, for the examination of the insolvent.

By order of court, R. B. RATNAIKE,
August 29, 1939. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

T. M. Karuppiyah Pillai of 121, Sea street, Colombo Plaintiff.
No. 1,982/S. Vs.

(1) J. R. Dharmasena, (2) Mrs. J. R. Dharmasena, (3) Mrs. M. de Silva, all of Dhamika Nivasa, Mount Mary road, Colombo, (4) J. D. Dharmasena, proprietor of the business, J. D. Fernando at Dam street, Colombo Defendants.

NOTICE is hereby given that on Friday, September 22, 1939, at 3 P.M. will be sold by public auction at the premises the right, title, and interest of all the said defendants in the following property for the recovery of the sum of Rs. 980, with legal interest from July 28, 1937, till payment in full and costs Rs. 204.97 being incurred costs and Rs. 108.85 being prospective costs, less a sum of Rs. 50, viz.:—

All that allotment of land with the buildings standing thereon bearing assessment Nos. 525/121 (1-2) and presently bearing assessment No. 118, situated at Dam street in the Pettah Ward within the Municipality and District of Colombo, Western Province; and bounded on the north by Dam street, east by land described in plan No. 171,337, south by reservation along the drain, and west by the land described in plan No. 171,339; and containing in extent 10 perches.

Fiscal's Office, B. M. CHRISTOFFELSZ,
Colombo, August 30, 1939. Deputy Fiscal.

In the District Court of Colombo.

A. Arunasalam of Layard's Broadway in Colombo .. Plaintiff
No. 7,697M. Vs.

(1) Idroos Lebbe Marikar Denoor Umma and her husband (2) Marikar Abdul Lathiff, both of Floor's lane, Dematagoda Defendants.

NOTICE is hereby given that on Monday, September 25, 1939, at 3 P.M., will be sold by public auction at the premises the following property mortgaged to the plaintiff by bond No. 1,500 dated November 30, 1926, attested by M. S. Akbar, Notary Public and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated July 17/22, 1939, for the recovery of the sum of Rs. 4,000, with interest thereon at 9 per cent. per annum from date of decree March 4, 1938, till payment in full and costs taxed at Rs. 339.11 incurred and Rs. 73.80 prospective, viz.:—

All that undivided 964/2376 parts plus undivided 7/88 parts plus undivided 35/2376 parts or undivided $\frac{1}{2}$ part or share of all those two contiguous allotments of land formerly bearing assessment No. 21, Forbes road, in Maradana within the Municipality and District of Colombo, Western Province, presently bearing assessment No. 17, Forbes road, comprising of the following portions of land, to wit:—

(1) All that portion of the garden called Doowewatta, situated at Maradana within the Municipality of Colombo aforesaid; and bounded on the north by the garden of Ango Fernando, on the east by part belonging to Tangatchi Natchie, south by Forbes road, and west by the part belonging to Sella Ummah; containing in extent $3\frac{1}{2}$ square perches.

(2) All that adjoining part of a garden called Doowewatta, situated at Maradana aforesaid; and bounded on the north by the garden of Ango Fernando, on the east by the ground of Slema Tamby Cader Tamby, south by Forbes road, and on the west by the other part of Sella Umma; containing in extent $1\frac{1}{2}$ square perches.

Prior Registration A 134/66.

Fiscal's Office, B. M. CHRISTOFFELSZ,
Colombo, August 30, 1939. Deputy Fiscal.

In the District Court of Negombo.

Constance Balanchi Manaune Carron of Highlands, Queen's road, Colombo, the administratrix of the estate of the late Mr. T. K. Carron Plaintiff.

No. 8,219. Vs.

Welikala Vithanage Gregoris Perera Gregory House in 2nd Division, Penyamulla, Negombo, Defendant.

NOTICE is hereby given that on Monday, September 25, 1939, at 4 o'clock in the afternoon, will be sold by public

auction at the premises the following property, mortgaged with the plaintiff by bond No. 7 dated May 26, 1927, attested by T. P. C. Carron of Negombo, Notary Public, and ordered to be sold by the order of court dated August 4, 1939, for the recovery of the sum of Rs. 19,687.50, with interest on Rs. 18,000 at 15 per cent. per annum from June 1, 1934, to August 2, 1934, and thereafter at 9 per cent. per annum on the aggregate amount till payment in full, less Rs. 7,900, viz. :—

All that estate plantations and premises comprised of the several contiguous allotments of land called Ambagahawatta, Anavulundantottam, Anavulundankumbura, Bogahawatta, Kahatagahawatta, Kohombagahawatta, Kohombagahakumbura, Midellagahawatta, Siyambalagahakumbura, Weppamarattaditotam, Beligahawattekotasa, Ambagahawatta portion of Talgahawatta, southern half of Talgahawatta one-fourth of Beligahawatta and Anavulundantotam registered under A 82/64, A 87/57, 76/76, 81/215, 71/146, 74/267, 50/101, 49/373, and 81/251 now forming one property and as such can be included in one survey, situated at 2nd Division, Periyamulla, within the town and Urban District Council limits of Negombo, Western Province; and bounded on the north by the land belonging to N. M. S. Mohamado Mastan and another and by dewata road, east by land belonging to Rosa Maria Fernando and others and by lands belonging to Kumarawattage Marsal Fernando and others, Agida Fernando, W. Isabel Fernando and others, Dodampahalage Jusey Fernando and Warnakulasuriya Albertulage Sebastian Fernando, south-east by land belonging to the heirs of Gama-athige Davith de Soysa Appuhamy, by road called St. Sebastian's road, and on the west by canal bank road; containing in extent fifteen acres, 3 roods and 1 perch or said to contain about 18 acres, together with the buildings standing thereon and registered under A 87/207.

Deputy Fiscal's Office,
Negombo, August 28, 1939.

A. C. NALLIAH,
Deputy Fiscal.

Central Province.

In the District Court of Colombo.

Muttiah Chettiar Nadarajan Chettiar of 155, Sea street, in Colombo, carrying on business under the name, style, and firm or vilasam of Moona Rawanna Mana Moona Moona Nana, also known as M. R. M. M. M. N. Plaintiff.

No. S/2,476.

Rs. 20 Vs. 39

(1) Nana Kader Meera Rawuther, son of Nather Saibo Rawuther, (2) Thoona Vavenna Kavenna Abdur Rahman Rawuther, son of Kader Meera Saibo, (3) Thoona Vavenna Kavenna Mohamedu Bawa, son of Kader Saibo, (4) Thoona Vavenna Kavenna Mohammadu Ibrahim, son of Kader Meera Saibo, (5) Sana Vavenna Peer Mohammadu Rawuther, son of Wappu Rawuther, and (6) Oona Seyadu Ibrahim, son of Ossen Rawuther, all of 44, Third Cross street in Colombo, carrying on business under the name, style, and firm of T. V. K. Cader Meera Saibo and Co., presently of Hatton Defendants.

NOTICE is hereby given that on Monday, October 2, 1939, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendants for the recovery of the sum of Rs. 23,599.22, with interest on Rs. 15,000 at 13½ per cent. per annum and on Rs. 1,000 at 12 per cent. from March 17, 1938, till May 9, 1938, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and poundage less Rs. 1,100 paid on October 12, 1938, in the following property, all the right, title, and interest of all the defendants in the following land, to wit :—

All that specific or divided portion of the land called and known as Hatton and bearing assessment Nos. 105 to 117, situate at Hatton town in Kandy District, Central Province; containing in extent 3 roods and 17 perches; and bounded on the north by part of Hatton estate and property of Mr. C. E. A. Dias, east by approach road and Government property, south by property of Government court-house, &c., west by C. G. R. reservation, part of Hatton estate and property of Mr. C. E. A. Dias.

Exclusive of the 11/80th share belongs to the widow and two daughters of the deceased, T. V. K. Cader Meera Saibo, as per order of the District Court of Hatton dated January 24, 1939.

Fiscal's Office,
Kandy, August 28, 1939.

H. C. WIJESINHA,
for Fiscal.

In the District Court of Kandy.

Kurpanawegamage Solomon of Nawalapitiya . . Plaintiff.
No. 37,182. Vs.

(1) Liyana Aratchige Don Carolis Appuhamy of Ambegamuwa korale in Uda Bulatgama, (2) Lindamulage Martin Edwin de Silva of Moratuwa presently of Ginigathenkor Nawalapitiya Defendants.

NOTICE is hereby given that on Saturday, September 30, 1939, commencing at 12 noon, will be sold by public auction at the premises, the following property mortgaged with the plaintiff by bond No. 841 dated August 10, 1926, and attested by P. Chas. Dias, Notary Public; and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated August 3, 1939, for the recovery of the sum of Rs. 4,681.25, with interest thereon at 9 per cent. per annum from November 5, 1928, till payment in full and costs of suit and poundage, viz. :—

All that allotment of land called Pussamulahena in about 10 acres in extent, situate at Kehelgamuwa in Ambegamuwa korale of Uda Bulatgama in the Kandy District, Central Province; and bounded on the north by Samugam Pulle's land, east by Mahaweli-ganga, south by Weeatugalakumbura, and west by Norrise's land, together with the plantations and everything thereon. Registered L 29/121 and all the right, title, interest, and claim whatsoever of the said defendants in, to, upon, or out of the said several premises mortgaged by the defendants.

Fiscal's Office,
Kandy, August 28, 1939.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

Muna Pana Muna Narayanan Chettiyar of Gampola Plaintiff.
No. 46,603. Vs.

Dawoodu Lebbe Habeebu Lebbe, son of Elpitiya Muhandiramalegedara Dawoodu Lebbe, deceased, of Alkemada in Medapalata of Uduuwara . . Defendant.

NOTICE is hereby given that on Saturday, October 7, 1939, commencing at 2 P.M., will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 1,146 dated August 25, 1928, and attested by M. W. P. de Silva of Gampola, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated August 10, 1939, for the recovery of the sum of Rs. 1,488.14, with further legal interest on Rs. 1,052.50 from March 11, 1939, till payment in full and poundage, viz. :—

1. An undivided one half part or share of and in all that field called Gederakumbure Mulwakkada of about 1 pela paddy sowing in extent in the whole, situate at Alkemada in Medapalata of Uduuwara in the District of Kandy, Central Province; and bounded on the north by inweilla of Dawudu Lebbe's field, east by Ismail Lebbe's field, south by ela and the field belonging to Isubu Lebbe, and west by the fence of Pansalewatta.

(2) An undivided ½ part or share of and in all that field called Pimpelekumbura of 1 rood and 14 perches in extent in the whole, situate at Delmoda in Medapalata of Uduuwara aforesaid; and bounded on the north by the watta belonging to the Vedarala, east by Kehelwalekumbura, south by oya, west by Gurunnehelagekumbura.

(3) All that land called Nilawalagedarawatta with the buildings and everything thereon, situate at Delmoda aforesaid; containing in extent 2 pelas of paddy sowing; and bounded on the north by the agala of Hawariyawatta, east by the agala of Tennegedarawatta, south by the fence of Rawanidala-angewatta and kosgaha, and west by agala; and registered in C 89/155, 85/267 and 268 and all the right, title, interest, and claim whatsoever of the said defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,
Kandy, August 28, 1939.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

T. B. Dissanayake of Kandy Plaintiff.
No. 48,034. Vs.

(1) R. Dullewe, and (2) E. P. Dullewe both of Mola-danda in Yatinuwara Defendants.

NOTICE is hereby given that on Friday, September 29, 1939, commencing at 2 P.M., will be sold by public auction

at the premises the right, title, and interest of the said defendants for the recovery of the sum of Rs. 359.07 and poundage in the following property, viz. :—

The field called Delgahakumbura of 2 pelas 5 kurunies in paddy sowing extent, situate at Moladanda in Gampalata korale of Yatinuwara in the District of Kandy, Central Province; and bounded on the east by Moladandewalawewatta, south by Moladandewalawwa Kabatagoda-kumbura, west by Dawakekumbura, and north by Meegas-angekumbura.

Fiscal's Office,
Kandy, August 28, 1939.

H. C. WIJESINHA,
Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Muhandirange Don Hendrick de Alwis Gunasekera of
Pitigala Plaintiff.

No. 33,532. Vs.

(1) Hapu Aratchi Podiappu and (2) Hapu Aratchi
John, both of Pitigala, and others Defendants.

NOTICE is hereby given that on Saturday, September 23, 1939, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

Against Hapu Aratchige Podiappu, the 1st Defendant.

1. All that undivided $9/100 + 1/5$ of $9/50 + 3/100$ parts of soil and soil share trees of the land called Radapettarahenewatta marked letter B situated at Pitigala in Bentota Walallawiti korale, Galle District, Southern Province; and bounded on the north by lot A of the same land, and T. P. 167,203, east by Mannageweleihalakebella and Pattiya, south by Vidanelagewatta belonging to Pallekankanange Siyan Appu and others, T. P. 165,944, Polpanangalakanda (Crown land), and west by Radapettarahenekaratura, T. P. 334,318, Radapettarahena, Polpanangalakanda, T. P. 392,659, Polpanangalakanda (Crown land) as per plan No. 43 made by Mr. Q. Jayasinghe, Surveyor, containing in extent 3 acres 1 rood and 26 perches together with the planter's share of the 4th plantation consisting of 17 coconut trees, 7 jak trees, 2 lime trees, 1 tamalind tree, 1 kitul tree, 40 arecanut trees, and tea plantation on lot B.

2. All those the soil, trees, and buildings of lot A of Radapettarahenewatta marked letter A, situated at Pitigala aforesaid; bounded on the north by Kussigederawattepita-kattiya, T. P. 371,462, east by Radapettarahenewela, T. P. 167,203, and lot B of the same land, south by lot B of the same land and Radapettarahenekaratura, and west by Radapettarahenekanda T. P. 392,658, Radapettarahenekanda T. P. 392,660, containing in extent 1 acre and 30 perches, subject to usufructuary mortgage bond for Rs. 100 in favour of K. V. S. de Silva.

3. All that undivided $1/9 + 1/36$ parts of the soil and trees of the land called Aratchigewatta, situated at Pitigala aforesaid; and bounded on the north by Warnagamaowita, east by Puwakwatta, south by a portion of the same land, west by Mannagewela; and containing in extent 4 acres and 23 perches.

4. All that undivided $1/4$ part of the soil and trees of the land called Idangahaowita *alias* Sodapaluweowita, situated at Pitigala aforesaid; and bounded on the north by Leenikanda and Amuhenakanatta, east by Weligodella and ela, south and west by Bentara-ganga; containing in extent 12 acres.

Against Hapu Aratchige John, the 2nd Defendant.

5. All that undivided $1/4 + 1/5$ of $9/50 + 3/100$ parts of soil and soil share trees of the land called Radapettarahenewatta marked B, situated at Pitigala aforesaid; and bounded on the north by lot Marked A of the same land and T. P. 167,203, east by Mannageweleihalakebella and Pattiya, south by Vidanelagewatta belonging to Pallekankanange Siyan Appu and others T. P. 165,944, Polpanangalakanda (Crown land) and west by Radapettarahenekaratura, T. P. 334,318 Radapettarahena, Polpanangalakanda, T. P. 392,659 Polpanangalakanda (Crown land) as per plan No. 43 made by Mr. Q. Jayasinghe, Licensed Surveyor.

6. All that undivided $1/4$ part of the soil and trees of the land called Kussigederaowita, situated at Pitigala aforesaid; and bounded on the north by Edandalanda Pallewwa, east by Mannage-ela, south and west by Kussigederawela, containing in extent $1\frac{1}{2}$ acres.

7. All that undivided $1/4$ part of the soil and trees of the land called Aratchigewatteadderaowkanda, situated at Pitigala aforesaid; and bounded on the north by Mannagewela-ela, east by Aratchigewatta, south by Kurunduwatteagala, and west by Mannageweleihalakattiya; containing in extent 3 roods and 7 perches.

8. All that undivided $1/4$ part of the soil and trees of the land called Delgahapollewwa, situated at Pitigala aforesaid; and bounded on the north and west by Radapettarahenewatta-addarapattiya, east by Mannageweleihalakattiya, and on the south by Gangabodagederawatta; containing in extent 3 roods and 21 perches.

9. All that undivided $1/4$ part of the soil and trees of the land called Udumulleheneokanda, situated at Pitigala aforesaid; and bounded on the north by Gangabodagederawatta, east and south by Udumullehenekumbura, and on the west by Gangabodagederawatteihalakattiya; containing in extent 1 acre.

10. All those the soil and trees of the land called Kussigederawattepita-kattiya, situated at Pitigala aforesaid; and bounded on the north by Gansabhawa road, east by Radapettarahenewela, south by Polpanangalakanda-addarnowita, west by Kussigederawattepita-kattiya; containing in extent 1 acre and 8 perches.

11. All those the soil, trees and the entire 9 cubits white-washed tiled house standing thereon of the land called Kussigederawattepita-kattiya, situated at Pitigala aforesaid; and bounded on the north by Gansabhawa road, east by Kussigederawattepita-kattiya, and south and west by Polpanangalakanda; containing in extent 27 perches.

Against Hapu Aratchige Podiappu and ditto John, the 1st and 2nd Defendants.

12. All that undivided $1/4 + 1/32$ parts of the soil and trees of the three defined contiguous lots of Aratchigewatta, situated at Pitigala aforesaid; and bounded on the north by lot No. 1 of the same land, east by Puwakwatta, south by Kurunduwatteagala, west by Aratchigewatta-addaraokanda; containing in extent 1 acre and 15 perches.

13. All that undivided $1/15 + 1/25 + 1/30 + 1/60 + 1/100 + 1/120$ parts of the soil and trees of the field called Mannageweleihalakattiya, situated at Pitigala aforesaid; and bounded on the north by Mannagewelepahalakattiya, east by Aratchigewatta and Kurunduwatteagala, south by Gangabodagederawatta-addarakolaina, west by Delgahapollewwa, Radapettarahenewatteaddarapattiya, and Radapettarahenewela; containing 20 pelas of paddy sowing extent.

14. All that undivided $1/15 + 1/25 + 1/30 + 1/60 + 1/100 + 1/120$ parts of the field called Gangabodagederawatteaddarakolaina, situated at Pitigala aforesaid; and bounded on the north by Mannageweleihalakattiya, east by Kurunduwatteagala, south by Udumullehenekumbura, west by Gangabodagederawatta; and containing 4 pelas of paddy sowing extent.
Writ amount Rs. 598.74 (*viz.* Rs. 245, damages; Rs. 281.24, plaintiff's costs; and Rs. 61, plaintiffs respondents' S. C. costs plus Rs. 11.50 writ costs).

Deputy Fiscal's Office,
Balapitiya, August 26, 1939.

SAM RANASOORIYA,
Additional Deputy Fiscal.

32 in the District Court of Galle.

Manan Gilbert de Silva Amarasekera of Ahungalla Plaintiff.

No. 35,547. Vs.

(1) Handunnetti Noan de Zoysa, ~~deceased~~ of Galwehera in Kosgoda, administered in D. C., Galle, case No. 7,732, deceased, (2) Walimuni Eslin Mendis Abeysekera of ~~the~~ substituted in place of the 1st defendant, deceased Defendants.

NOTICE is hereby given that on Saturday, September 30, 1939, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

All that undivided $5/6$ of ($1/5 + 1/12 + 1/20 + 11/80 + 2/120$) parts of the soil, and of the soil share trees, together with $5/6$ of the planter's half share of the second and third plantations, and of the whitewashed tiled new and old buildings standing thereon of the land called Walimuni Abraham Mendis Abeysekera Padinchiwaun Jasentuge-watta, situated at Galwehera in Kosgoda in Bentota Walallawiti korale, Galle District, Southern Province; and bounded on the north by J. S. de Zoysa Padinchiwaunwatta, east by L. D. Thabrew Padinchiwaunwatta, south by T. O. Mendis Padinchiwaunwatta and Sadiris Mendis Padinchiwaunwatta, and west by lands belonging to A. D. Thabrew, and W. Sadiris; in extent about $1\frac{1}{2}$ acres.

Writ amount, Rs. 508 with interest thereon at 18 per cent. from January 7, 1937, to March 11, 1937, with interest on the aggregate amount at 9 per cent. per annum from March 11, 1937, till payment in full, minus Rs. 125 paid.

Deputy Fiscal's Office, SAM RANASOORIYA,
Balapitiya, August 24, 1939. Additional Deputy Fiscal.

In the District Court of Galle.

V. E. L. S. Letchimanan Chettiar of Galle, presently in India, by his attorney Léna Vairavan Chettiar of Galle Plaintiff.

No. 35,582. Vs.

(1) E. A. Paulis and (2) D. N. Dewasirinarayana, both of Kandewatta, Galle Defendants.

NOTICE is hereby given that on Wednesday, September 27, 1939, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 3,876, together with interest thereon Rs. 2,300 at 9 per cent. from November 25, 1936, till payment and on Rs. 1,000 at 18 per cent. from January 21, 1937, to February 9, 1937, and on the aggregate at 9 per cent. per annum till payment and Rs. 98.52 for costs, viz. :—

1. All that the defined lot A of the land called Kalugahahena *alias* Maragahahena and Uraladeniya-addara *alias* Godakadurehena, situated at Babarenda in the Wellaboda pattu of Matara District, Southern Province; and bounded on the north by Maragahahena, east by lot E or B of the same land, south by land appearing in plan No. 151,696 and land reserved for road, and on the west by Crown jungle; and containing in extent 7 acres 2 roods and 38 perches; and duly registered in B 78/34.

2. All that the field called Nanumure, Mestrigemulana, Walgamayairikonda, and Talgahaliyadda, situated at Babarenda aforesaid; and bounded on the north by Bogahawatta, east by Mahamulana, Punchimulana, Sinhalaralapadinchihawitihiyawatta and Pelawatta, south by Merenchigekumbura, and on the west by Parana-gamagewatta and Handurugamagohena and Palapindeniya; and containing in extent 2 amunams and 3 pelas of paddy sowing; and duly registered in B 91/181.

3. All that undivided 5/6 shares of the soil and trees of the land called Koragalagewatta together with the 13 cubits tiled house standing thereon, situated at Pathegama in the Wellaboda pattu aforesaid; and bounded on the north by Koraleruppa *alias* Alutgedara, east by Tettu-wageruppa, south by Koralagedeniya, and on the west by dewata; and containing in extent about $\frac{1}{2}$ an acre; and duly registered in B 71/181.

4. All that undivided $\frac{1}{2}$ share of the soil and trees of the land called Alutgederawatta, situated at Pathegama aforesaid; and bounded on the north by Uswatta, east by Nagalmullegedara, south by Pahalakorallagewatta, and on the west by Ihalakorallagewatta; and containing in extent about $\frac{1}{2}$ an acre; and duly registered in B 107/270.

Deputy Fiscal's Office, F. J. BELING,
Matara, August 28, 1939. Additional Deputy Fiscal.

In the District Court of Galle.

V. E. L. S. Letchimanan Chettiar of Galle, presently in India by his attorney R. M. Sockalingam Chettiar of Galle Plaintiff.

No. 36,296.

(1) P. S. Kodikara, and (2) S. R. Kirigoris, both of Dondra Defendants.

NOTICE is hereby given that on Saturday, September 23, 1939, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, for the recovery of Rs. 1,096.50, with interest on Rs. 1,000 at the rate of 18 per cent. per annum from October 11, 1937, to November 2, 1937, and thereafter on the aggregate at 9 per cent. per annum, Rs. 72.90 for costs, and poundage, viz. :—

At Mulaneidama in Godakoggalla.—All that undivided 1/90 share of the contiguous lands called lots B, C, D, and E of Godakoggalla, situate at Koggalla in Magam pattu of the Hambantota District, Southern Province; and bounded on the north by Ridiyegama and lot A of the same land; east by Karagaha-ara and Godakoggalle-kumbura, south by Punchihenayagama, and west by Walawe-ganga; containing in extent about 1,600 acres.

Valuation : Rs. 1,750.

Deputy Fiscal's Office, G. P. TAMBAYAR,
Hambantota, August 19, 1939. Additional Deputy Fiscal.

26 North-Western Province.

In the District Court of Kurunegala.

Tampupuli Appuhamillage Don John of Panchikawatta in Colombo Plaintiff.
No. 19,326. Vs.

(1) Meena Muna Umma Sali Umma of Ahugoda in Recopattu korale, (2) Meena Muna Mariya Umma of Potuhera in Udupola, Medalasse korale .. Defendants.

NOTICE is hereby given that on Saturday, September 23, 1939, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 176.96 being costs and Rs. 22.50 being damages and continuing damages at the rate of Rs. 7.50 per month from January 18, 1938 (being the date of filing of this action) till March 16, 1939, and poundage, viz. :—

An undivided 107/600 share of an allotment of land called Nagahalandewatta in extent 28 acres 3 roods and 26 perches, situated at Ahugoda in Recopattu korale of Dambadeni hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by lot 280 and T. P. 311,960, east by Amunugama and Potuhera village boundaries, south by a road, and west by T. Ps. 312,445 and 312,431 and lots 284 $\frac{1}{2}$ and 111.

Fiscal's Office,
Kurunegala, August 29, 1939.

CHARLES DE SILVA,
Deputy Fiscal.

I, Edward Trevor Dyson, Fiscal for the Central Province, do hereby appoint Mr. Abdul Kaffar Marikkar to act as Fiscal's Marshal for the division of Matale with effect from August 23, 1939, until the return of Mr. D. W. Wickremasinghe from leave, under the provisions of the Fiscal's Ordinance, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office,
Kandy, August 22, 1939.

E. T. DYSON,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

31 In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Julien Hettige Georgiana Perera No. 8,917. of Peliyagoda Pattiya in the Ragam pattu of Alutkuru korale, deceased.

Dissanayakage John Perera of Centurion House, Peliyagoda Pattiya aforesaid. Petitioner.

(1) Dissanayakage Bernard Stanley Victor Perera, (2) Dissanayakage Aloysius Lionel Perera, (3) Dissanayakage Oswald Francis Perera, all of Peliyagoda, aforesaid. Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on July 18, 1939, in the presence of Mr. D. F. J. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 17, 1939, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as husband of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before August 3, 1939, show sufficient cause to the satisfaction of the court to the contrary.

August 24, 1939.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-mentioned Order Nisi is hereby extended to September 7, 1939.

August 24, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

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Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late A. S. Muttiah of Alampanny
No. 8,920. village, Velayapatti Post, Selam District,
South India, deceased.

A. S. M. Pusparaja of 66, Spa street in Colombo . . . Petitioner.

And
(1) Kamalamma, widow of the deceased above
named, (2) T. Papamma, (3) Muthiah Jegannathan,
(4) Muthiah Kandaswamy, (5) Muthiah Sivasupra-
manian, (6) Muthiah Anandasundaram, all of Alam-
patti village, Selam District, South India; 4th to 6th
respondents are minors, appearing by their guardian
ad litem (7) T. Muttiah of St. George's estate, Agara-
patna Respondents.

THIS matter coming on for disposal before C. Naga-
lingam, Esq., District Judge of Colombo, on July 20, 1939,
in the presence of Mr. C. Sevaprakasam, Proctor, on the
part of the petitioner above named; and the affidavit
of the said petitioner dated July 16, 1939, and the Supreme
Court order dated June 23, 1939, having been read:

It is ordered (a) that the 7th respondent be and he is
hereby appointed guardian *ad litem* of the minors, the 4th
to 6th respondents above named, to represent them for all
the purposes of this action, and (b) that the petitioner be and
he is hereby declared entitled, as eldest son of the above-
named deceased, to have letters of administration to his
estate issued to him, unless the respondents above named
or any other person or persons interested shall, on or before
August 24, 1939, show sufficient cause to the satisfaction
of this court to the contrary.

August 18, 1939.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-men-
tioned *Order Nisi* is hereby extended to September 7,
1939.

August 18, 1939.

C. NAGALINGAM,
District Judge.

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In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Mimanage Simeon Fernando of Mount
No. 8,941. Lavinia, deceased.

Pitiyage Margaret de Silva of Mount Lavinia . . . Petitioner.

And
(1) Mimanage Clayton Karunaratne Fernando (minor),
(2) Mimanage Milton Karunadasa Fernando
(minor), (3) Mimanage Margaret Marlene Fernando
(minor) appearing by their guardian *ad litem* (4)
Mimanage Wilson Fernando of 3, Galle road, Mount
Lavinia Respondents.

THIS matter coming on for disposal before C. Naga-
lingam, Esq., District Judge of Colombo, on July 29, 1939,
in the presence of Mr. J. E. Salgadoe, Proctor, on the part
of the petitioner above named; and the affidavit of
the said petitioner dated July 13, 1939, having been read:

It is ordered (a) that the 4th respondent be and he is
hereby appointed guardian *ad litem* of the minors, the
1st, 2nd, and 3rd respondents above named, to represent
them for all the purposes of this action, and (b) that the
petitioner be and she is hereby declared entitled, as widow
of the above-named deceased, to have letters of adminis-
tration to his estate issued to her, unless the respondents
above named or any other person or persons interested
shall, on or before September 7, 1939, show sufficient cause
to the satisfaction of the court to the contrary.

August 9, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Kana Nana Narayanan Chettiar
No. 8,943. son of Kannappa Chettiar of Kallal,
Rammad District, South India, deceased.

Nawanna Natchiappa Chettiar of 167, Main street,
Negombo Petitioner.

Vs.
(1) Visalatchy Atchy, (2) Savundram, (3) Meenatchi,
(4) Natchiammai, (5) Subramaniam Chettiar, (6)
Mangai, all of Kallal, Rammad District, South India;
the 3rd, 4th, 5th, and 6th respondents are minors
appearing by their guardian *ad litem*, the 1st respond-
ent above named Respondents.

THIS matter coming on for disposal before C. Naga-
lingam, Esq., District Judge of Colombo, on July 31, 1939,

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in the presence of Mr. Victor A. P. Nanayakkara, Proctor,
on the part of the petitioner above named; and the
affidavit of the said petitioner dated July 29, 1939, having
been read:

It is ordered (a) that the 1st respondent be and she is
hereby appointed guardian *ad litem* of the minors, the
3rd, 4th, 5th, and 6th respondents above named, to re-
present them for all the purposes of this action, and (b)
that the petitioner be and he is hereby declared entitled,
as son of the above-named deceased, to have letters of
administration to his estate issued to him, unless the
respondents above named or any other person or persons
interested shall, on or before September 7, 1939, show
sufficient cause to the satisfaction of the court to the
contrary.

August 2, 1939.

C. NAGALINGAM,
District Judge.

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In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Kadugoda Aratchigo Dona
No. 8,945. Mary Charlotte Perera Hamino of Kota-
walamulla road, Colombo, deceased.

Attanayako Don Philip Gunasekera of Kotawalamulla
road, presently of Temple road, Colombo . . . Petitioner.

(1) Edward Gratian Attanayako, (2) Lilian Catherine
Attanayako, (3) Gnanaenthio Attanayako, (4) Jina-
pala Attanayako, (5) Mahigda Piyasena Attanayako,
(6) Wimalawathie Attanayako, (7) Somalawathio
Attanayako, (8) Chandrapala Attanayako, (9) Sita
Attanayako and (10) Siringi Kumawathio Atta-
nayako, all of Temple road, Colombo; the 6th to 10th
respondents are minors appearing by their guardian
ad litem, the 1st respondent above named . . . Respondents.

THIS matter coming on for disposal before C. Naga-
lingam, Esq., District Judge of Colombo, on August 1, 1939,
in the presence of Messrs. Moonosingho & Jayamaha,
Proctors for the petitioner above named; (1) the affidavit
of the said petitioner dated July 13, 1939, and (2) of the
attesting witnesses dated July 13, 1939, (3) of the attesting
notary dated July 31, 1939, having been read:

It is ordered that the last will of Kadugoda Aratchigo
Dona Mary Charlotte Perera Hamino, deceased, of which the
original has been produced and is now deposited in this
court, be and the same is hereby declared proved; and it is
further declared that the petitioner is the executor in the
said will and that he is entitled to have probate thereof
issued to him accordingly, unless the respondents above
named or any other person or persons interested shall,
on or before September 7, 1939, show sufficient cause
to the satisfaction of this court to the contrary: It is
further ordered that the 1st respondent be and he is hereby
appointed guardian *ad litem* of the minors, the 6th to 10th
respondents above named, to represent them for all the
purposes of this action.

August 12, 1939.

C. NAGALINGAM,
District Judge.

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In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and
Jurisdiction. Effects of Ida Addalda Jacobs late of
No. 8,957. Colfred House, Hill street, Colombo,
deceased.

Irene Eunice Alonzo Jacobs of Colfred House,
Hill street, Colombo Petitioner.

And
(1) Doreen Muriel Jacobs, a minor, appearing by her
guardian *ad litem* (2) Hector Hercules Vandersay,
both of Colfred House, Hill street, Colombo . . . Respondents.

THIS matter coming on for disposal before C.
Nagalingam, Esq., District Judge of Colombo, on August 7,
1939, in the presence of Mr. John Wilson, Proctor, on the
part of the petitioner above named; and the affidavit of
the said petitioner dated August 7, 1939, having been
read:

It is ordered (a) that the 2nd respondent be and he is
hereby appointed guardian *ad litem* of the minor, 1st re-
spondent above named, to represent her for all the purposes
of this action, and (b) that the petitioner be and she is
hereby declared entitled, as daughter of the above-named
deceased, to have letters of administration to her estate
issued to her, unless the respondents above named or any
other person or persons interested shall, on or before
September 14, 1939, show sufficient cause to the satisfaction
of this court to the contrary.

August 24, 1939.

C. NAGALINGAM,
District Judge.

31/ In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Emily Wirasekera *nee* Mendis
No. 8,959. Wickremesinghe late of Stafford place,
Maradana, Colombo, deceased.

Christopher Emmanuel, Secretary of the District Court
of Colombo Petitioner.

And
(1) Arthur Clement Wirasekera and (2) Eileen Nița
Wirasekera, both of Bambalapitiya in
Colombo Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 7, 1939, in the presence of Mr. John Wilson, Proctor, on the part of the petitioner above named; and (1) the affidavits of the said petitioner dated August 17, 1939, and (2) of the attesting notary dated August 3, 1939, having been read:

It is ordered that the last will of Emily Wirasekera *nee* Mendis Wickremesinghe, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor in the said will and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before September 14, 1939, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM,
District Judge.

August 24, 1939.

22/ In the District Court of Colombo.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Joronimus Perera
No. 8,960. Sundarasekera Samarasinghe of Mon-
rovia Sinharanulla, Kelaniya, in the
District of Colombo, deceased.

THIS matter coming on for final determination before C. Nagalingam, Esq., District Judge of Colombo, on August 8, 1939, in the presence of Mr. B. James St. V. Perera, Proctor, on the part of the petitioner, Alfred Arthur Perera Sundarasekera Samarasinghe of "Monrovia", Sinharanulla, Kelaniya, aforesaid; and the affidavit of the said petitioner and of the attesting notary and witnesses dated July 1, 1939, having been read: And it appearing to the court that the said petitioner has established his right thereto, it is ordered that probate of the will of the said deceased be issued to Alfred Arthur Perera Sundarasekera Samarasinghe accordingly.

NAGALINGAM,
District Judge.

August 16, 1939.

31/ In the District Court of Kalutara.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Warnakula-aratchirallage Don Juwan
No. 2,847. Appu deceased, of Paiyagala.

THIS matter coming on for disposal before E. O. C. Vander Gert, Esq., District Judge of Kalutara, on December 9, 1938, in the presence of Mr. E. A. Cooray, Proctor, on the part of the petitioner, Postettiveliyanarallage Mikela Cooray of Paiyagala, and the affidavit of the said petitioner dated November 23, 1938, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration to his estate issued to her, unless the respondents—(1) Warnakula-aratchirallage Dona Mary Margret, (2) ditto Winnie Victoria and (3) Mahabaduge Joseph Fernando, all of Paiyagala or any other person or persons interested shall, on or before January 24, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 3rd respondent be and he is hereby appointed guardian *ad litem* over the said 2nd respondent, who is a minor, for all the purposes of this action, unless the respondents shall, on or before January 24, 1939, show sufficient cause to the satisfaction of this court to the contrary.

E. O. C. VANDER GERT,
District Judge.

December 9, 1938.
Time to show cause is extended to September 19, 1939.

W. SANSONI,
District Judge.

In the District Court of Nuwara Eliya.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Caroline Frances Garth of Nuwara Eliya,
No. 330. deceased.

Between

Kidston Garth of Nuwara Eliya Petitioner.

And

(1) Magdalene Elizabeth Ephraims, (2) Mabel Alice Ward, (3) Lilian Beatrice Garth, (4) Wilfred Lovel Garth, (5) Lucian Harold Garth, (6) Eric William Garth, (7) Penelope Augusta Garth, a minor, by her guardian *ad litem* the 3rd respondent above named, her mother, all of Nuwara Eliya. (8) Ebenezer Francis Gauder of Colombo, (9) Nobel Ebenezer Gauder of Nuwara Eliya, (10) George Alexander Freeman, (11) George Francis L. Freeman, (12) Beatrice Frances Rosebe Freeman, (13) Joseph Brian Alexander Freeman; the 10th, 12th and 13th respondents, minors, by their guardian *ad litem* the 10th respondent above named, (14) Emily Janet Gauder, (15) Ruby Elizabeth Gauder and (16) Esther Winifred Gauder, all of Colombo Respondents.

THIS matter coming on for disposal before Herbert Spencer Roberts, Esq., District Judge, Nuwara Eliya, on August 5, 1939, in the presence of Mr. V. Ponnusamy, Proctor, on the part of the petitioner above named; and the petition and affidavit of the petitioner above named dated August 3, 1939, having been read: It is ordered that the petitioner be and he is hereby declared entitled to have letters of administration to the estate of the deceased above named, unless the respondents above named or any other person interested in the estate of the said deceased shall, on or before September 8, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 3rd and 10th respondents above named be and they are hereby appointed guardians *ad litem* the said 3rd respondent over the 7th respondent and the said 10th respondent over the 11th, 12th, and 13th respondents, respectively, who are minors, unless the respondents above named show sufficient cause to the contrary on September 8, 1939.

HERBERT S. ROBERTS,
District Judge.

August 5, 1939.

30/ In the District Court of Nuwara Eliya.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Walter Ambrose de la Hoyde at
No. 331. one time of Glenorchy estate, Ambawela,
in the Island of Ceylon and late of Craig
Har, Nuwara Eliya, in the said Island,
deceased.

THIS matter coming on for disposal before Herbert S. Roberts, Esq., District Judge of Nuwara Eliya, on August 24, 1939, in the presence of Mr. V. C. Modder, Proctor, on the part of the petitioner, Kenneth Ashton Robertson of The Mercantile Bank of India, Ltd., Colombo; and (1) the affidavit of the said petitioner dated August 21, 1939, and (2) the power of attorney dated June 29, 1939, and July 3, 1939, having been read: It is ordered that the will of the said Walter Ambrose de la Hoyde, deceased, dated October 18, 1934, exemplification of probate of which under the Seal of His Majesty's High Court of Justice in England, has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Kenneth Ashton Robertson is the attorney of the executors named in the said will and that he is entitled to have letters of Administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before September 8, 1939, show sufficient cause to the satisfaction of this court to the contrary.

HERBERT S. ROBERTS,
District Judge.

August 24, 1939.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Ratgamage Oinohamy de Silva, deceased,
No. B3. of Beratuduwa in Balapitiya.
Hetumuni Semaneris de Silva of Beratuduwa in Bala-
pitiya Petitioner.

Vs.

(1) Mr. H. A. de Silva, District Judge, Kegalla, (2) Dr.
H. Gabriel de Silva, (3) Hetumuni Martin de Silva,
(4) ditto Mallika de Silva, (5) Walinetti Daimon
de Silva, (6) ditto Wilmot de Silva, (7) Pettagan
Sri Jinendradasa de Silva, (8) ditto Neeta de Silva,
(9) ditto Sri Lakshmi de Silva, (10) ditto Sommie de
Silva, all of Beratuduwa in Balapitiya. Respondents.

THIS matter coming on for disposal before N. M. Bharu-
cha, Esq., District Judge, Galle, on May 11, 1939, in the
presence of Mr. W. Edward de Silva, Proctor, on the part
of the petitioner; and the affidavit of Hetumuni Semaneris
de Silva of Beratuduwa in Balapitiya—petition dated
May 9, 1939, having been read:

It is further declared that the said petitioner is entitled
to have administration of the same issued to him accord-
ingly, unless the respondents and others shall, on or before
June 30, 1939, show sufficient cause to the satisfaction
of this court to the contrary.

N. M. BHARUCHA,
District Judge.

May 11, 1939.

Time for showing cause extended to July 14, 1939.

June 30, 1939.

S. S. JAYAWICKRAMA,
District Judge.

Time for showing cause extended to August 25, 1939.

July 14, 1939.

S. S. JAYAWICKRAMA,
District Judge.

Time for showing cause extended to September 14, 1939.

August 25, 1939.

S. S. JAYAWICKRAMA,
District Judge.

In the District Court of Galle.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Omer Lebbe Marikar
No. 7,881. Mohamed Jameel of Fort, Galle, deceased
(1) Omer Lebbe Marikar Mohamed Faloon, (2) Omer
Lebbe Marikar Mohamed Haniffa, both of Church
street, Fort, Galle. Petitioners.

(1) Omer Lebbe Marikar Fathuma of 257, Layard's
broadway, Colombo, (2) Omer Lebbe Marikar
Ummu Habeeba of 51, Avendale road, Maradana,
Colombo. Respondents.

THIS action coming on for disposal before N. M.
Bharucha, Esq., District Judge of Galle, on July 13, 1939,
in the presence of Messrs. Saheed & Thahir, Proctors, on
the part of the petitioners above named; and the affidavit
of the said petitioners dated July 10, 1939, and that of the
attesting witnesses and notary dated April 29, 1939, having
been read:

It is ordered that the will of the deceased above named
dated June 28, 1938, and now deposited in this court, be
and the same is hereby declared proved, unless the respond-
ents or any person interested in the same shall, on or
before September 8, 1939, show sufficient cause to the
satisfaction of this court to the contrary.

It is further declared that the said petitioners are the
executors named in the said will and that they are entitled
to have probate of the same issued to them accordingly.

N. M. BHARUCHA,
District Judge.

July 13, 1939.

In the District Court of Matara.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Don Luwis Rama-
No. 4,040. wickrema, deceased, of Kumbalgoda.
Jalathge Don Theodoris Vel-Vidane of Kumbal-
goda Petitioner.

(1) Wickrematre Vasin Arachige Dona Siciliana-
Hamine of Kumbalgoda, (2) Don Andrayas Rama-
wickrema of Kumbalgoda. Respondents.

THIS matter coming on for disposal before James
Joseph, Esq., District Judge of Matara, on June 5, 1939,
in the presence of Messrs. G. E. & G. P. Keuneman,
Proctors, on the part of the petitioner, Jalathgey Don
Theodoris Vel-Vidane of Kumbalgoda; and affidavit of the
said petitioner dated May 29, 1939, having been read:

It is ordered that the will of the above-named deceased
dated July 11, 1929, and now deposited in this court, be
and the same is hereby declared proved, unless any person or
persons interested shall, on or before July 31, 1939, show
sufficient cause to the satisfaction of this court to the
contrary. It is further declared that the said Jalathgey
Don Theodoris Vel-Vidane is the executor named in the
said will and that he is entitled to have probate of the same
issued to him accordingly, unless any person or persons
interested shall, on or before July 31, 1939, show sufficient
cause to the satisfaction of this court to the contrary.

K. D. DE SILVA,
District Judge.

June 5, 1939.

Date extended to September 18, 1939.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Kanapathypillai Kandiah of Araly
No. 486. North, deceased.

Sinnathangam, widow of Kanapathypillai Kandiah
of Araly North Petitioner.

(1) Sivapakiyam, guardian of Kanapathypillai
Kandiah of Araly North, (2) K. Balasingham of
Araly North, (3) K. Ramaswamy of Araly North,
(4) Kanapathypillai Velupillai of ditto; the 1st, 2nd,
and 3rd respondents are appearing by their guardian
ad litem the 4th respondent. Respondents.

THIS matter of the petition of the above named peti-
tioner coming on for disposal before C. Coomaraswamy,
Esq., District Judge, Jaffna, on December 8, 1938, in the
presence of Mr. Chelladurai Storer, Proctor, on the part
of the petitioner; and the affidavit of the petitioner dated
August 9, 1937, having been read: It is ordered that the
letters of administration be issued to the petitioner in
this case for the purpose of carrying on this testamentary
proceedings, unless the 4th respondent (guardian *ad litem*)
in this case, shall appear on December 23, 1939, and show
sufficient cause to the satisfaction of this court to the
contrary.

C. COOMARASWAMY,
District Judge.

December 17, 1938.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. George Ignasi Francis late of Kaha-
No. 1,618. gannuwa Estate, Undugoda, in the District
of Kegalla, deceased.

Elizabeth Ammal of 2, Model Dwellings, Nuwara
Eliya Petitioner.

(1) Philomena Pitchamuttu, (2) David and (3) Carolina;
the 2nd and 3rd being minors and appearing by
their guardian *ad litem*, Mr. K. Pitchamuttu, all of
No. 2, Model Dwellings, Nuwara Eliya. Respondents.

THIS matter coming on for disposal before H. A. de
Silva, Esq., District Judge of Kegalla, on June 13, 1939,
in the presence of Mr. Victor Tambinayagan, Proctor,
on the part of the petitioner above named, and the affidavit
of the petitioner dated June 9, 1939, having been read:

It is ordered that the petitioner be and she is hereby
declared entitled, as widow of the deceased to have letters
of administration to his estate issued to her and that the
4th respondent be and he is hereby appointed guardian
ad litem of the minors, the 2nd and 3rd respondents, unless
the respondents above named or any other person or persons
interested shall, on or before July 19, 1939, show sufficient
cause to the satisfaction of this court to the contrary.

H. A. DE SILVA,
District Judge.

June 13, 1939.

In the District Court of Nuwara Eliya.

Testamentary
Jurisdiction
No. 329.

THE above case having been transferred to the District
Court of Nuwara Eliya by the Supreme Court, by its order
dated July 27, 1939, the time for showing cause against
the *Order Nisi* entered in the above case is hereby extended
for August 23, 1939.

HERBERT S. ROBERTS,
District Judge.

August 2, 1939.

This *Order Nisi* is extended for September 15, 1939,
for showing cause against it.

HERBERT S. ROBERTS,
District Judge, Nuwara Eliya.

August 23, 1939.